

Salkie

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

DATE: 05/10/90

SUBJECT: Ceiling Increase and Time Limit Exemption Request for the Synkote Paints Site, Elmwood Park, New Jersey - ACTION MEMORANDUM

FROM: Dwayne Harrington, On-Scene Coordinator *Bruce Sprague (for)*
Response and Prevention Branch

TO: Constantine Sidamon-Eristoff
Regional Administrator

THRU: Richard L. Caspe, P.E., Director
Emergency and Remedial Response Division *RLC*

Site Identification Number: 4F
Removal Category: Time Critical
National Significance: No

I. PURPOSE

In order to complete the removal activities initiated at the Synkote Paints site, an exemption from the twelve month statutory limit of Section 104(c)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986 is requested. Removal activities were initiated on October 11, 1989, and must cease by October 11, 1990, unless an exemption to the twelve month limit is approved.

This is also a request to increase project funding to provide for the completion of removal activities at this site. Upon review of the financial accounting for this site, it is estimated that additional mitigation contracting and extramural (TAT) funds will be required for the completion of this removal action. Additional funding requested for this removal action is as follows:

Mitigation Contracting:	\$75,000
Extramural TAT Costs:	\$50,000

These increases will raise the total project ceiling to \$727,000 and the mitigation contracting ceiling to \$406,000.

II. BACKGROUND

The original Action Memo (copy attached) authorizing the Synkote Paints removal action was approved on September 6, 1989 and on-site removal activities commenced on October 11, 1989.

The approximately 250 drums abandoned at the Synkote Paints site were sampled and secured in October 1989, transported to a CERCLA approved facility and disposed of (via incineration) in July 1990. Two drums of flammable liquids were rejected by the disposal facility for exceeding the explosive limits of the incinerator and were returned to the site. Another drum was rejected for exceeding the facility's permitted levels for heavy metals and was also returned to the site. These drums are currently stored on-site pending on-site pre-treatment and/or disposal. In addition to the three drums remaining on-site, an estimated 20 cubic yards of grossly contaminated site and removal action generated debris and approximately 150 empty drums remain. Arrangements have been made with a CERCLA approved disposal facility to accept the remaining drums and contaminated debris for disposal.

III. CRITERIA FOR EXEMPTION FROM THE STATUTORY LIMIT

The conditions that qualify the Synkote Paints site for an exemption from the CERCLA 104(c) statutory time limit, which is repeated in Section 300.415(b)(5) of the National Contingency Plan (NCP), are presented below. The three conditions listed below must be considered jointly for the exemption to apply. These conditions are as follows:

- (1) Continued response actions are immediately required to prevent, limit, or mitigate an emergency

The remaining hazardous substances stored on site are flammable, potentially explosive, and acutely toxic. The building in which the materials are stored is currently secured via an electronic security system, however, there are no personnel on-site to prevent public access or trespassing.

- (2) There is an immediate risk to public health, welfare or the environment

The remaining drums of hazardous substances and contaminated site materials represent a continuing threat to citizens of the community and firefighters who might respond to a fire at the site. The conditions on the site present a potential threat of fire and explosion, as well as direct human contact threat.

(3) Assistance will not otherwise be provided on a timely basis

As was documented in the original Action Memo for this site, neither the Potentially Responsible Party or the New Jersey Department of Environmental Protection is currently able to affect a timely action at the site.

IV. PROPOSED ACTIONS AND ESTIMATED COSTS

The proposed actions for this site consist of bulking the remaining materials on-site, completing disposal analysis, and transporting the materials to the approved facility for disposal.

	Current Ceiling	Proposed Ceiling
Contract Mitigation Ceiling	\$ 328,000	\$ 406,000
Intramural EPA Costs	50,000	75,000
Intramural TAT Costs	75,000	125,000
Contingency Costs	<u>38,000</u>	<u>121,000</u>
Total Project Ceiling	\$ 544,000	\$ 727,000

Under the proposed total ceiling the intramural EPA costs were estimated as follows:

Intramural Direct Cost	\$15,000
Intramural Indirect Cost	<u>10,260</u>
Intramural Costs	\$25,260
Rounded Total	\$25,000

V. RECOMMENDATIONS

Site conditions continue to meet the criteria for a CERCLA/SARA removal action under 40 CFR 300.415(b)(2) of the NCP and CERCLA Section 104(c) for exceeding the removal action time limit limitation. Therefore, I recommend that you approve this request for an exemption to the twelve month time limitations and an increase in the removal action total project ceiling from \$544,000 to \$727,000.

Your authority to authorize the additional fund monies and a Time Limit Exemption is pursuant to the Administrator's September 13, 1987 criteria, Delegation 14-1-A, and the Administrator's September 21, 1987 Delegation 14-3, respectively.

Approval: _____

Constantine Sidamon-Eristoff
Regional Administrator

Date: _____

10/3/87

Disapproval: _____

Constantine Sidamon-Eristoff
Regional Administrator

Date: _____

cc: (after approval is obtained)

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